

**APPLICANT:**  
Nancy DiPasquale Weller

**REQUEST:** A variance to allow a sunroom  
within the required rear yard setback

**HEARING DATE:** July 21, 2004

**BEFORE THE**  
**ZONING HEARING EXAMINER**  
**FOR HARFORD COUNTY**  
**BOARD OF APPEALS**  
**Case No. 5430**

### **ZONING HEARING EXAMINER'S DECISION**

**APPLICANT:** Nancy DiPasquale Weller

**CO-APPLICANT:** Stanley Sirody/Affordable Windows and Remodeling  
11100 Reisterstown Road, Owings Mills, Maryland 21117

**LOCATION:** 121 Stillmeadow Drive, Joppatowne  
Tax Map: 39 / Grid: 2C / Parcel: 169 / Lot: 123A  
First Election District

**ZONING:** R3 / Urban Residential District - Community Development Project

**REQUEST:** A variance pursuant to Ordinance 6, Section 10.05 of the 1957 Harford County Zoning Ordinance, to allow a sunroom within the required 45 foot rear yard setback (41 feet proposed).

#### **TESTIMONY AND EVIDENCE OF RECORD:**

For the Applicant testified Stanley Sirody, principal of Affordable Windows and Remodeling, the contractor which will be installing the proposed sunroom. Mr. Sirody indicated that the property, improved by a two-story duplex, was subject to a 45 foot rear yard setback. The proposed sunroom, to be constructed to the rear of the house, would encroach into the setback by 4 feet.

Mr. Sirody indicated that the house is a semi-detached two story home. This house requires a setback greater than would have been required if the house were only one story. Mr. Sirody indicated that the sunroom could not be located on either side of the house, and it was accordingly required to be located to the rear. It would be impractical to construct the sunroom along the entire width of the rear of the home, and accordingly this relatively minor setback variance is required. Mr. Sirody indicated there were at least two other homes in the neighborhood that have additions which also encroach into the rear yard setback.

## **Case No. 5430 – Nancy DiPasquale Weller**

The Applicant and her husband require additional room. The proposed sunroom is a standard sunroom, and one which Mr. Sirody recommends be built on the subject property. A smaller sunroom would not meet the Applicants' needs, and would be smaller than other sunrooms in the area. The size of the proposed sunroom is approximately 280 square feet.

The sunroom would be constructed with windows on two sides, with the side facing the other connected home in the duplex to be solid, covered with siding. The siding as well as the roof would be white in color. Mr. Sirody introduced photographs of an example of the finished sunroom. The sunroom would be placed on the existing patio deck and would not expand beyond it.

Next testified the Applicant, Nancy Weller. Mrs. Weller indicated that she and her husband had spoken to the neighbors and none had any objection. The proposed addition would be an improvement to their home. Approximately twenty-five percent (25%) of the existing homes in the neighborhood have had similar improvements added to them.

Next for the Harford County Department of Planning and Zoning testified Anthony McClune. Mr. McClune indicated that the Department found the subject property to be unique. The Weller property abuts a 10 foot wide strip of open space to its rear which effectively gives the home an increased setback. This 10 foot wide strip gives additional protection for dwellings to the rear, and minimizes the impact, if any, of the sunroom on those dwellings. Mr. McClune indicated that there was also a hedge located to the rear of the property which also minimizes any potential impact. Accordingly, the Department does not recommend additional landscaping.

Mr. McClune also testified that the proposed size of the sunroom is consistent with others in the neighborhood and that a more shallow sunroom, i.e., one which does not encroach into the rear yard setback, would not be practical as it would then be required to extend along the width of the home, and in fact beyond the corner of the home, in order to give the square footage. Mr. McClune testified that would not be an attractive solution.

There was no evidence or testimony presented in opposition.

### **APPLICABLE LAW:**

Section 267-11 of the Harford County Code allows the granting of a variance to the requirements of the Code:

*"Variances.*

- A. Except as provided in Section 267-41.1.H., variances from the provisions or requirements of this Part 1 may be granted if the Board finds that:*

## **Case No. 5430 – Nancy DiPasquale Weller**

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Part 1 would result in practical difficulty or unreasonable hardship.*
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Part 1 or the public interest.*

- B. In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary, consistent with the purposes of the Part 1 and the laws of the state applicable thereto. No variance shall exceed the minimum adjustment necessary to relieve the hardship imposed by literal enforcement of this Part 1. The Board may require such guaranty or bond as it may deem necessary to insure compliance with conditions imposed.*
- C. If an application for a variance is denied, the Board shall take no further action on another application for substantially the same relief until after two (2) years from the date of such disapproval."*

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The Applicant requests permission to impact a relatively deep, 45 foot rear yard setback by 4 feet in order to construct a sunroom, similar to others in the neighborhood. The Applicant has indicated that no neighbor had any objection, and no opponents appeared at the hearing to express opposition.

It is accordingly found that the proposed variance would have no adverse impact on any adjoining neighbor or on the neighborhood and would, in fact, allow the Applicant to enjoy her property as do others in her neighborhood.

It is further found that the property is clearly unique as it is bordered by a 10 foot wide open space strip to its rear which in effect gives the property a 55 foot rear yard setback.

It is further found that the relief requested, i.e., a 4 foot variance to the 45 foot rear yard setback, is the minimum adjustment necessary in order to grant the requested relief.

**Case No. 5430 – Nancy DiPasquale Weller**

**CONCLUSION:**

It is accordingly recommended that the requested variance be approved.

Date: August 2, 2004

ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner